



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

BAYCHAR, INC.,
BAYCHAR HOLDINGS, LLC,
BAYCHAR, Individually,

Plaintiff

v.

FRISBY TECHNOLOGIES, INC.,
SCHOELLER TEXTIL AG,
SCHOELLER TEXTIL USA, INC.,
SCHOELLER FRISBY TECHNOLOGIES, GMBH,
OUTLAST TECHNOLOGIES, INC.,

Defendant

Civil Action No. 01-28-B-S

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CONSENT JUDGMENT

Plaintiffs Baychar, Inc., Baychar Holdings LLC and Baychar, individually ("Baychar") and Defendants Schoeller Textil AG, Schoeller Textil USA, and Schoeller Frisby Technologies GmbH ("Schoeller") hereby stipulate to the entry of this Consent Judgment and Order, which also incorporates the terms of their Settlement Agreement, which is filed separately herewith under seal and was entered into for the purpose of resolving the present action.

WHEREAS, the parties agree as follows:

1. This Court has jurisdiction over Baychar and Schoeller and the subject matter of this action, under the laws of the United States, 35 U.S.C. § 271 *et seq.*, and 28 U.S.C. §§ 1332 and 1338. Venue is proper in this judicial district.

2. Baychar is the owner of United States Patent No. 6,048,810 ("the '810 patent").

NOW THEREFORE, Baychar and Schoeller consent to the following ORDER and JUDGMENT:

1. The '810 patent is valid and enforceable.
2. Except as provided in the License contained in the Settlement Agreement, Schoeller, their officers, agents, employees, successors, and affiliates are hereby permanently enjoined from using, manufacturing or importing into the United States and its territories, or selling or offering for sale the materials defined in the License ("Licensed Products") that originate or enter into the United States and its territories.
3. The payment made by Schoeller, under the parties' Settlement Agreement, is in full satisfaction of all past claims of Baychar against Schoeller for monetary damages arising out of this Action.
4. Jurisdiction is retained by this Court for the purpose of ensuring full and complete compliance with the terms of this Consent Judgment and Order or the terms of the parties' Settlement Agreement.
5. This Consent Judgment and Order shall remain in full force and effect for as long as the '810 patent remains valid and enforceable.
6. Baychar and Schoeller hereby waive any and all rights to challenge or appeal this Consent Judgment and Order.
7. Pursuant to the Settlement Agreement all claims by Baychar against Schoeller and counterclaims by Schoeller against Baychar are dismissed with prejudice and each party will bear its own costs and attorney's fees.

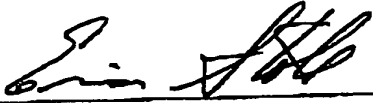
IT IS SO ORDERED:

Dated: 2/3/03

By: 

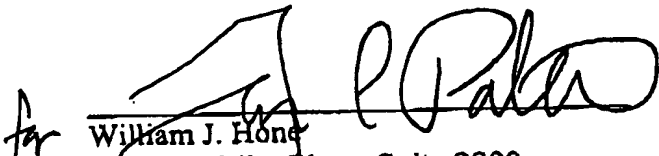
United States District Judge

Stipulated to by:



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